

# Office Action Summary

Application No.  
09/108,705

Applicant(s)

Motoyama

Examiner  
Madeleine Anh-Vinh Nguyen

Group Art Unit  
2722



☒ Responsive to communication(s) filed on Dec 10, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 37-48 and 70-77 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 37-48 and 70-77 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### DETAILED ACTION

This communication is responsive to amendment filed on December 22, 1999.

Applicant amends the specification, claims 37-48, adds new claims 49-56 which are renumbered as claims 70-77 respectively.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skills in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 37, 42-43, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al (US Patent No. 5,394,458) in view of Hemmady et al (US Patent No. 4,872,157).

Concerning claims 37, 42, 43, 48, Allen et al disclose a reproduction system (Figs. 1-2) having a communication interface 6 for transmitting information from a reproduction apparatus 1

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(first device) to an administrative device 5 (second device) which identifies a type of the reproduction apparatus 1 (type of first device), initializes a status database 20, and selects a symptom to diagnose the reasons and probabilities (condition) of the reproduction apparatus 1, (col. 5, lines 7-36). The information is transmitted from the reproduction apparatus to the administrative device 5 via a telephone network and a modem 4, which uses a standard RS-232 protocol (determined protocol), (col. 3, line 30 - col. 4, line 7).

Allen fails to teach that the identification of the type of the first device is a protocol identifier utilized by the first device. Hemmady et al discloses a data processing system for connecting a plurality of inlets to a plurality of outlets comprising a first plurality of terminals connected to one of the plurality of inlets for controlling the storage of header information of each data packet and a second plurality of terminals for processing the header information and queuing data packets destined for a common outlet. Fig.20 shows a message format wherein the header 610 consists of the destination address 612, the source address 614, the group identifier 616, group name 618, the type of service 620, a type of service indicator 623, a protocol identifier 624. The header 610 is followed by a header 630 to process message fragmentation. This header 630 includes the protocol identifier 638 for identifying the contents of the internal protocol which is the header of user data 640. Finally, user data 640 may be preceded for appropriate user protocols by the identity of the destination port 642 and source port 644 (col. 62, lines 15-49).

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the protocol identifier as taught in Hemmady et al in the transmitted information from the first device to a second device in Allen in order for the second device to determine the protocol identifier utilized by the first device since both Allen and Hemmady teach the transmission and reception of data packets from and to different devices thereby permitting both on-site and remote communication with a diagnostic and administrative device for the purpose of recording apparatus usage, feature utilization, and performing diagnostic routines on reproduction apparatus.

Concerning claims 70-71, Hemmady et al further teaches that a header format of data is contained in the device identification for the first device, and the second device determines the header format of data contained in the device identification by selecting the header format of data from a protocol identifier data base (col. 62, lines 15-49).

3. Claims 38-41, 44-47, 70-71, 74-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al (US Patent No. 5,394,458) in view of Hemmady et al (US Patent No. 4,872,157) and Baum et al (US Patent No. 5,577,105).

Concerning claims 38-41, 44-47, Allen et al in view of Hemmady disclose the claimed subject matter as discussed in claims 37, 42-43, 48 above, except for including a plurality of protocols. The reproduction apparatus 1 (first device) connects to a communication interface 6 for communicating with the administrative device 5 (second device). The communication interface

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6 has a modem 4 which includes a standard RS-232 protocol. The administrative device 5 is a computer equipped to receive and transmit information to and from the reproduction apparatus 1. The reproduction apparatus 1 communicates to the administrative device 5 on a routine basis. Thus, the communication protocol is a predetermined protocol between a copier 1 to a computer 5.

Allen et al do not include a plurality of protocols. Baum et al teach a network interface module which includes a plurality of modems (each modem has different protocol parameters) for select appropriated protocol parameters for the incoming call in a data communication system, (col. 9). Thus, it would have been obvious to an ordinary skill in the art at the time the invention was made to include a plurality of protocols to the communication interface in Allen et al. To communicate with different communication devices the communication interface in Allen et al would have been modified to include the taught plural modems in Baum et al in order to select a respective protocol to communicate with an incoming call from a particular communication device,

Concerning claims 70-71, Hemmady et al further teaches that a header format of data is contained in the device identification for the first device, and the second device determines the header format of data contained in the device identification by selecting the header format of data from a protocol identifier data base (col. 62, lines 15-49).

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Concerning claims 74-77, Allen in view of Hemmady and Baum discloses the claimed subject matters as discussed in claims 37-42, 70-71 above. Allen further teaches that the data base contains input formats of data for both facsimile and copier machines (Fig.1).

4. Claims 37, 42-43, 48, 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulinski (US Patent No. 5,325,156) in view of Hemmady et al (US Patent No. 4,872,157).

Concerning claims 37, 42, 43, 48, 70, Ulinski discloses a reprographic machine in figures 13, having a modem 48 for transmitting information from a reproduction apparatus 10 (first device) to a remote diagnostic site 60 (second device), via a public switched telephone network 50, (col. 3, lines 4-14). The remote diagnostic site 60 is a host computer 84 which includes a compiler 86 for communicating with a plurality of different machine types, and an addressable file 88 for storing the identities of all machines. When the received information from the reproduction apparatus 10 is a request for service, the information from file 88 is provided to a diagnostic subsystem 90, which determines the condition of the reproduction apparatus 10, then communicates back to the reproduction apparatus 10, (col. 5, lines 7-43).

Ulinski does not explicitly disclose the use of a communication protocol. However, the modem 48 transmits information via the public switched telephone network 50 to the remote diagnostic site 60 (second device), which has the compiler 86 for converting all incoming information data into a common machine format. Thus, the modem 48 would have included a communication protocol for communicating between the reproduction apparatus 10 to the remote diagnostic site 60. Therefore, it would have been obvious to an ordinary skill in the art at the time

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the invention was made for the system in Ulinski to communicate with the remote diagnostic site by using predetermined protocol because the modem in Ulinski would have included a communication protocol for transmitting and receiving information between the reproduction apparatus and the remote diagnostic site 7.

Ulinski fails to teach that the identification of the type of the first device is a protocol identifier utilized by the first device. Hemmady et al discloses a data processing system for connecting a plurality of inlets to a plurality of outlets comprising a first plurality of terminals connected to one of the plurality of inlets for controlling the storage of header information of each data packet and a second plurality of terminals for processing the header information and queuing data packets destined for a common outlet. Fig.20 shows a message format wherein the header 610 consists of the destination address 612, the source address 614, the group identifier 616, group name 618, the type of service 620, a type of service indicator 623, a protocol identifier 624. The header 610 is followed by a header 630 to process message fragmentation. This header 630 includes the protocol identifier 638 for identifying the contents of the internal protocol which is the header of user data 640. Finally, user data 640 may be preceded for appropriate user protocols by the identity of the destination port 642 and source port 644 (col. 62, lines 15-49). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include the protocol identifier as taught in Hemmady et al in the transmitted information from the first device to a second device in Allen in order for the second device to determine the protocol identifier utilized by the first device since both Allen and Hemmady teach the

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transmission and reception of data packets from and to different devices thereby permitting both on-site and remote communication with a diagnostic and administrative device for the purpose of recording apparatus usage, feature utilization, and performing diagnostic routines on reproduction apparatus.

Concerning claims 70-71, Hemmady et al further teaches that a header format of data is contained in the device identification for the first device, and the second device determines the header format of data contained in the device identification by selecting the header format of data from a protocol identifier data base (col. 62, lines 15-49).

5. Claims 38-41, 44-47, 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulinski (US Patent No. 5,325,156) in view of Hemmady et al (US Patent No. 4,872,157) and Baum et al (US Patent No. 5,577,105).

Concerning claims 38-41, 44-47, Ulinski discloses the claimed subject matter as discussed in claims 37, 42-43, 48 above, except for including a plurality of protocols. The modem 48 transmits information via the public switched telephone network 50 to the remote diagnostic site 60 (second device), which has the compiler 86 for converting all incoming information data into a common machine format. The compiler 86 provides the remote diagnostic site 60 the ability to communicate with a plurality of different machine types.

Ulinski does not explicitly include a plurality of protocols. Baum et al teach a network interface module which includes a plurality of modems (each modem has different protocol



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parameters) for select appropriated protocol parameters for the incoming call in a data communication system, (col. 9). Thus, it would have been obvious to an ordinary skill in the art at the time the invention was made to include a plurality of protocols to the device in Ulinski. Therefore, the ability to communicate with different machine types of the remote diagnostic site in Ulinski would have been modified to include the taught plural modems in Baum et al in order to select a respective protocol to communicate with an incoming call from a particular reproduction device.

Concerning claims 70-73, Hemmady et al further teaches that a header format of data is contained in the device identification for the first device, and the second device determines the header format of data contained in the device identification by selecting the header format of data from a protocol identifier data base (col. 62, lines 15-49).

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Wallace (US Patent No. 5,528,748) discloses a technique for deriving benchmark profiles to diagnose physical and logical faults in data transmission systems which provides selected physical and protocol testing on an integrated basis.

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7. Applicant's arguments with respect to claims 37-48, 70-77 have been considered but are moot in view of the new ground(s) of rejection.
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine Anh-Vinh Nguyen whose telephone number is (703) 305-4860.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Box AF  
Commissioner of Patents and Trademarks

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Washington, DC 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry; please mark "EXPEDITED PROCEDURE")

(703) 308-5397 (for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

February 28, 2000

*MaDeleine Nguyen*  
**MADELEINE NGUYEN**  
**PATENT EXAMINER**

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